

UNITED STATES OF AMERICA,)
)
v.) No.: 3:06-CR-100-PLR-HBG
)
FRANK LOGAN ASBURY)

This matter is before the Court on the defendant's motion for early termination of supervised release [R. 105]. In support of his motion, Defendant states that he has completed three years of a term of five years of supervised release. He is employed at the Park Vista Hotel in Sevier County as a bartender and server. He has also worked at Fox Fire Mountain Adventures. Defendant states he is getting married on September 6, 2014. Defendant and his fiancé are starting a business called Jam Cake, which includes music, art, and event planning. Defendant is 63 years old and resides at 740 English Mountain Road, Newport, Tennessee.

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(6), and (a)(7) –

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warranted by the conduct of the defendant released and the interest of justice.

18 U.S.C. § 3583(e)(1).

Defendant pled guilty to conspiracy to distribute and possession with intent to distribute marijuana and to conspiracy to commit money laundering. He was sentenced to 65 months imprisonment followed by five years of supervised release. The record shows that Defendant has completed more than half of his ordered term of supervised release (3 of 5 years).

Defendant's probation officer opposes early termination of supervised release. The probation officer reports that Defendant failed to report for a drug screen as required on June 6; Defendant has not apprised his probation officer of his plans for marriage and for starting a business; and Defendant has failed to comply with his probation officer's requests to secure his three boxer dogs, who have shown aggression toward the probation officer on home contact visits. Based on Defendant's non-compliance, the probation officer objects to Defendant's motion for early termination. The Government also opposes the motion.

After carefully considering the requirements of the statute, the opposition of the Probation Office and the Government, it is the opinion of the Court that Defendant has not met the requirements for early termination of his supervised release. While the Court commends Defendant for the positive steps he has taken toward rehabilitation, Defendant has not reached the level of responsibility that would warrant an early termination. The Court notes that Defendant has not been compliant with the conditions imposed by his

supervising officer, and until Defendant is fully compliant with the terms of his supervised release, the Court will not consider early termination. At this time, the Court finds Defendant's motion for early termination premature, and the motion is **DENIED**.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE